

Two Tower Center Blvd.  
10th Floor  
East Brunswick, New Jersey 08816

  
CHEMICAL LAND HOLDINGS, INC.

May 3, 2001

*Transmitted via Facsimile and Federal Express*

U.S. Environmental Protection Agency, Region II  
Emergency and Remedial Response Division  
290 Broadway, 19th Floor, Room W-20  
New York, NY 10007-1866

Attention: Ms. Sharon Jaffess  
Remedial Project Manager

Subject: Creel Angler Survey  
Chemical Land Holdings, Inc.  
Administrative Order on Consent Index No. II-CERCLA-0117

Reference: EPA Letter dated April 20, 2001  
Diamond Alkali Superfund Site – Passaic River Study Area  
Creel/Angler Survey

RECEIVED  
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Dear Ms. Jaffess:

This is to acknowledge receipt on April 24, 2001, of your letter dated April 20, 2001, commenting on the Creel Angler Survey Work Plan. By your letter, EPA declines to approve the latest version (October 2000) of the Work Plan for the Creel Angler Survey submitted pursuant to the Administrative Order on Consent.

As you know, CLH submitted the Creel Angler Survey Work Plan on June 29, 1999 following EPA's approval (with the exception of the included schedule) of the Ecological Sampling Plan on April 6, 1999. Almost one year later, on April 27, 2000, EPA notified CLH that the Creel Angler Survey Work Plan was disapproved and that EPA would not be conducting "...all or any part of the Creel Angler Survey Work Plan for the same reasons discussed in this [April 27, 2000] letter." CLH responded on May 1, 2000 requesting a meeting on May 23, 2000 to discuss the disapproval. To address comments made by EPA staff at the May 23, 2000 meeting concerning EPA's assertion that the Work Plans lacked responsiveness to prior EPA comments, CLH prepared and submitted on June 23, 2000 a formal Response-to-Comments document demonstrating how the June 1999 version of the Work Plan was responsive to the Agency's 1996 comments. Then, on July 6, 2000, CLH submitted a Revised Creel Angler Survey Work Plan responsive to Agency comments received via e-mail on January 27, 2000 along with a Response-to-Comments document addressing each of the comments and explaining how they were addressed in the accompanying version of the Work Plan.

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Because EPA concluded the May 23, 2000 meeting without any indication that it would alter its position concerning the Creel Angler Survey, and because CLH did not want to lose the opportunity to gather site-specific data during the summer and winter seasons in 2000, CLH undertook to commence its survey work last summer after having first provided notice to EPA in its July 6, 2000 letter. This effort has collected considerable useful site-specific data.

EPA now nine months after receipt of the latest version of the Work Plan, and with a detailed Response-to-Comment document explaining CLH's response to each of the Agency's comments, declines once again to approve it. CLH respectfully disagrees with EPA's action.

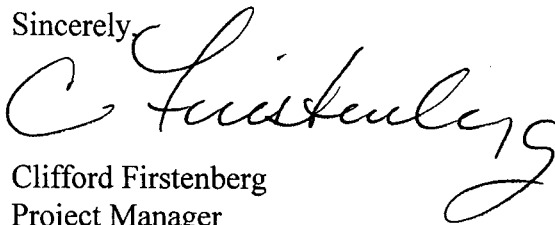
CLH is preparing a written response to your twelve-page letter. We will submit this response as soon as possible, but in no event later than May 21, 2001.

By this letter, we request a conference with EPA pursuant to Paragraph 49(b) of the above-referenced Administrative Order on Consent. Please advise if EPA is able to meet within ten days of CLH's receipt of the April 20 letter. However, we would appreciate having time to fully evaluate EPA's April 20 letter, which we believe will require three weeks from date of receipt. We are tentatively available to meet on May 15 in the morning, May 25, or June 4, 5, 6, or 7 (in the morning only for June 7).

Please advise if any of these dates are available for EPA, or if not, alternative dates for this conference.

Please include this letter in the official administrative record for this Administrative Order on Consent.

Sincerely,



Clifford Firstenberg  
Project Manager

On behalf of Occidental Chemical Corporation  
(as successor to Diamond Shamrock Chemicals Company)

(2 copies sent)

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- 2c: Section Chief  
NJDEP-Bureau of Federal Case Management  
401 East State Street -CN 028  
Trenton, NJ 08625-0028  
Attn: Jonathan D. Berg
- 1c: Chief, New Jersey Superfund Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
290 Broadway, 19th Floor, Room W-20  
New York, NY 10007-1866  
Attention: Diamond Alkali Site Attorney - Passaic River Study Area
- 1c: Ms. Anne G. Hayton  
Technical Coordinator  
NJDEP- Bureau of Environmental Evaluation and Risk Assessment  
401 East State Street  
4th Floor, Box 413  
Trenton, NJ 08625-0028
- 1c: Ms. Kerry Kirk-Phlugh  
NJDEP  
401 East State Street  
Trenton, NJ 08625-0028